

## **REMARKS**

In the Official Action mailed on **17 April 2006** the Examiner reviewed claims 1-3, 5-7, 11-13, 15, 16, 20-24, 28, 29 and 31-34. Claims 1-3, 5-7, 11-13, 15, 16, 20-24, 28, 29 and 31-34 were rejected under 35 U.S.C. §102(b) as being anticipated by Rothrock (USPN 5,408,470, hereinafter "Rothrock"). Claims 3 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rothrock. Claims 1-3, 5, 7, 11-13, 15, 20-23, 24, 28, 29, and 31-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Zhu (USPN 6,792,436 hereinafter "Zhu") in view of Rothrock. Claims 6 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rothrock, in view of Zhu. Claims 33 and 34 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 33 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

### **Rejections under 35 U.S.C. §101 and §112**

Claims 33 and 34 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Further, Claim 33 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Accordingly, Applicant has canceled independent claims 33 and 34 without prejudice.

**Rejections under 35 U.S.C. §102(b), §102(e), and §103(a)**

Independent claims 1, 12, 21, 28, and 32 were rejected as being anticipated by Rothrock. Further, independent claims 1, 12, 21, 28, and 32 were rejected as being unpatentable under Zhu in view of Rothrock.

Applicant respectfully points out that, in the Office Action which was sent on 08 July 2005, Examiner averred that “*in situations of more than two systems [Rothrock’s] teachings would **teach away***” (see page 12, lines 6-7 of the Office Action which was sent on 08 July 2005). Further, there is nothing in Rothrock which anticipates directly sending object change sets when there are three or more systems. Rothrock teaches away from the present invention because it requires an **arbitrator** to facilitate communication when there are three or more systems (see Rothrock, col. 3, lines 5-12). In contrast to Rothrock, the present invention directly sends object change sets from one system to another even when there are three or more systems (see page 2, lines 10-16).

Further, Applicant respectfully points out that Zhu is directed towards synchronizing an object by sending “*the full object state of the cache object*” (see Zhu, col. 6, lines 12-13). The “*full object state of a cache object includes the data associated with all fields in an object*” (see Zhu, col. 6, lines 13-15). In contrast to Zhu, the present invention is directed towards synchronizing an object by changing only some of the attributes (see page 8, lines 5-15 and 21-30; page 11, lines 1-7 and 15-20). Specifically, an object change set contains an attribute **if and only if** the attribute has been changed (see page 8, lines 14-15; also see the object change set example on page 9, line 13 through page 10, line 14). Furthermore, the present invention uses a “merging unit” to apply an object change set to a corresponding object (see page 11, lines 15-20; FIG. 5, 502). There is nothing in Zhu, either implicit or explicit, which suggests using a merging unit to synchronize two copies of an object by updating only some of the attributes of an object.

Additionally, Applicant respectfully points out that the present invention is not obvious in light of Rothrock and Zhu because (a) Rothrock teaches away from the present invention when there are three or more systems, and (b) there is nothing within Rothrock or Zhu which suggests using a merging unit to apply an object change set to an object, which specifies changes to only a subset of the object's attributes.

Accordingly, Applicant has amended independent claims 1, 12, and 32 to clarify that (a) **at least one** attribute in the object remains unchanged, and an object change set contains an attribute **if and only if** the attribute has been changed (which ensures that the object change set does not contain the full object state, thereby differentiating the present invention from Zhu), (b) the present invention **directly** sends an object change set from a first system to a second system, from a second system to a third system, and from a third system to a first system (which ensures that an arbitrator is not required when there are three or more systems, thereby differentiating the present invention from Rothrock), and (c) the present invention uses a **merging unit** to apply an object change set to an object (which differentiates the present invention from both Rothrock and Zhu). These amendments find support on: page 2, lines 10-16; page 8, lines 5-15 and 21-30; page 11, lines 1-7 and 15-20; page 9, line 13 through page 10, line 14; and FIG. 5, 502. Applicant has canceled independent claims 21 and 28 without prejudice. Additionally, Applicant has canceled dependent claims 7, 11, 20, 22, 23, 24, 29, and 31 without prejudice.

Hence, Applicant respectfully submits that independent claims 1, 12, and 32 as presently amended are in condition for allowance. Applicant also submits that claims 2-3 and 5-6, which depend upon claim 1, and claims 13 and 15-16, which depend upon claim 12, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

**CONCLUSION**

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

By



Edward J. Grundler

Registration No. 47,615

Date: 10 July 2006

Edward J. Grundler  
PARK, VAUGHAN & FLEMING LLP  
2820 Fifth Street  
Davis, CA 95618-7759  
Tel: (530) 759-1663  
FAX: (530) 759-1665  
Email: edward@parklegal.com